

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GEORGE A. JACKSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	C. A. No. 05-823-***
)	
STANLEY TAYLOR, et al.,)	JURY TRIAL REQUESTED
)	
Defendants.)	

AFFIDAVIT OF MIKE DELOY

I, Mike Deloy, having been duly sworn by law, do hereby depose and state as follows:

1. I am employed by the State of Delaware Department of Correction (“DOC”) as Warden at the Sussex Correctional Institution (“SCI”). I have been employed by the DOC since November of 1980 and as Warden of SCI since May of 2007. Prior to that, I held the position of Deputy Warden of SCI from October of 1996.

2. As Warden of SCI, I have serious reservations about having inmates sit in on depositions. First, this increases the inmates’ movement in the prison, thereby increasing the likelihood of an escape or disturbance. Second, this would require more correctional staff at the depositions. SCI does not have excess staff for this purpose. Third, the criminal and disciplinary records of the plaintiffs in this matter raise additional security concerns.

3. At the request of the Deputy Attorney General defending this matter, I have reviewed the files of the twenty-five (25) Plaintiffs for their criminal and disciplinary histories.

4. At the outset, I note that many of the Plaintiffs are incarcerated for committing violent offenses. Three of the Plaintiffs are serving terms for Murder in the First Degree. Other Plaintiffs have convictions of First Degree Assault, Unlawful Sexual Intercourse, First Degree

Robbery, Robbery with Kidnapping, and Escape After Conviction. These violent and dangerous offenders should be segregated, not be brought together, which heightens the security risk. As for Plaintiff George A. Jackson, he is a "lifer" (he was sentenced to 37 years and 7 months in July 1992) whose offenses include a finding of guilty for violating 11 Del. C. §832(a)(1), causing physical injury to another during the commission of a robbery.

5. The Plaintiffs' DOC disciplinary infractions also raise security concerns. Eighteen out of the twenty five Plaintiffs have disciplinary infractions on their records, including George Jackson. By way of example, Plaintiff Timothy Malloy has an extensive disciplinary history, with seven infractions, the latest occurring on August 15, 2006. Plaintiff Anthony E. Morris has a significant disciplinary history, with four infractions, the latest occurring a month ago, on November 20, 2007. Plaintiff Samuel J. Jones also has a considerable disciplinary history, with four infractions, the latest occurring on August 10, 2007. Several of Plaintiffs' relevant disciplinary reports for fighting, disorderly conduct and threatening are attached hereto.

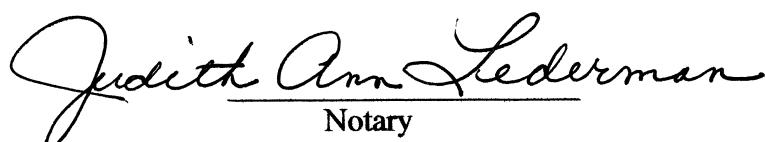
6. For the safety and security of those attending the depositions, and to prevent the possibility of escape, George A Jackson and other named plaintiffs should not attend any depositions to which they are not deponents.

7. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.



Mike Deloy

SWORN AND SUBSCRIBED before me this 21st day of December, 2007.



Judith Ann Lederman
Notary

JUDITH ANN LEDERMAN
NOTARY PUBLIC, STATE OF DELAWARE
My Commission Expires August 28, 2009

DR#
3587

SCI Sussex Correctional Institution
PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

Date: 12/19/2007**DISCIPLINARY HEARING DECISION**

Inmate : <u>Jackson, George A</u>	SBI#: <u>00171250</u>	Type: <u>Class 2</u>
Institution: <u>SCI Sussex Correctional Institution</u>	Hearing Date: <u>07/14/2004</u> Time: <u>10:40</u>	
Inmate Present: <u>Yes</u> Reason(if No): <u>N/A</u>		
Violation: , 2.13/200.111 Possession of Non-Dangerous Contraband		
Inmate PLEA: <u>Guilty</u>		
Inmate Statement: Inmate admits to committing the instant offense.		
Decision : <u>Guilty</u>		
Rational : Inmate statements and 404.		
Sanctions: N/A		
HEARING OFFICER'S SIGNATURE _____		
Fisher, Howard L		
I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.		
I <input type="checkbox"/> DO <input checked="" type="checkbox"/> DO NOT INTEND TO APPEAL	INMATE's SIGNATURE _____	
<u>ORDER TO IMPLEMENT SANCTIONS</u>		
<input checked="" type="checkbox"/> Inmate does not wish to appeal	<input type="checkbox"/> Appeal has been denied by Commissioner or Designate	
<input type="checkbox"/> Sanctions have been modified	<input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired	
It is here by ordered to implement the sanctions:		
Sanctions	Start Date	Days
1. Written Reprimand		

DR#
6627

SCI Sussex Correctional Institution
PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

Date: 12/19/2007**DISCIPLINARY HEARING DECISION**

Inmate : <u>Malloy, Timothy L</u>	SBI#: <u>00171278</u>	Type: <u>Class 2</u>
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Institution: <u>SCI Sussex Correctional Institution</u>	Hearing Date: <u>08/14/2006</u>	Time: <u>12:30</u>
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Inmate Present: <u>Yes</u>	Reason(If No): <u>N/A</u>
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Violation: <u>, 2.01/200.105 Abuse of Privileges, 2.05 Disrespect, 2.10/200.213 Lying, 2.13/200.111 Possession of Non-Dangerous Contraband</u>
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Inmate PLEA: <u>Guilty</u>

Inmate Statement: <u>N/A</u>

Witness Name: <u>Bishop, Janet</u>

Testimony : <u>N/A</u>

Witness Name: <u>Jones, Christopher</u>

Testimony : <u>N/A</u>

Decision : <u>Guilty</u>

Rational : <u>I/M pled guilty</u>

Sanctions: <u>N/A</u>

HEARING OFFICER'S SIGNATURECordrey, Gerald M

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I [] DO [] DO NOT INTEND TO APPEAL

INMATE's SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Loss of All Privileges	08/15/2006	2	08/17/2006

DR#	4836
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SCI Sussex Correctional Institution
PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

Date: 12/19/2007**DISCIPLINARY HEARING DECISION**Inmate : Malloy, Timothy LSBI#: 00171278 Type: Class 2Institution: SCI Sussex Correctional Institution

Hearing Date:

Time:

Inmate Present: No Reason(if No): N/A

Violation: , 1.06/200.203 Disorderly or Threatening Behavior, 2.01/200.105 Abuse of Privileges, 2.05 Disrespect

Inmate PLEA: Not GuiltyInmate Statement: N/ADecision : GuiltyRational : N/ASanctions: N/A**HEARING OFFICER'S SIGNATURE** _____

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I [] DO [] DO NOT INTEND TO APPEAL

INMATE's SIGNATURE _____

ORDER TO IMPLEMENT SANCTIONS

- | | |
|------------------------------------|---|
| [X] Inmate does not wish to appeal | [] Appeal has been denied by Commissioner or Designate |
| [] Sanctions have been modified | [] Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
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DR#
3521

SCI Sussex Correctional Institution
PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

Date: 12/19/2007**DISCIPLINARY HEARING DECISION**

Inmate : <u>Malloy, Timothy L</u>	SBI#: <u>00171278</u>	Type: <u>Class 2</u>
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Institution: <u>SCI Sussex Correctional Institution</u>	Hearing Date: <u>06/30/2004</u>	Time: <u>10:30</u>
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Inmate Present: <u>Yes</u>	Reason(If No): <u>N/A</u>
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Violation: , 2.06/200.108 Failing to Obey an Order, 2.14 Unauthorized Communication

Inmate PLEA: <u>Guilty</u>

Inmate Statement: INMATE ADMITS RULE VIOLATION
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Witness Name: <u>Hubbs, B</u>

Testimony : <u>N/A</u>

Decision : <u>Guilty</u>

Rational :STAFF REPORT AND INMATE STATEMENT

Sanctions: <u>N/A</u>

HEARING OFFICER'S SIGNATURE

West, Darrick E

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I [] DO DO NOT INTEND TO APPEAL

INMATE's SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Written Reprimand			

DR#

1035856

PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

DISCIPLINARY HEARING DECISION

Inmate : <u>Morris, Anthony E</u>	SBI#: <u>00300363</u>	Type: <u>Class 2</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>11/20/2007</u>	Time: <u>10:09</u>

Inmate Present: Yes Reason(If No):N/A

Violation: , 2.13/200.111 Possession of Non-Dangerous Contraband

Inmate PLEA: Not Guilty

Inmate Statement: Didn't know.

Decision :Guilty

Rational :Per report inmate found guilty.

Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Savage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I DO DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Written Reprimand			

DR#
1035672SCI Sussex Correctional Institution

PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

Date: 12/19/2007**DISCIPLINARY HEARING DECISION**Inmate : Morris, Anthony ESBI#: 00300363 Type: Class 1Institution: DCC Delaware Correctional CenterHearing Date: 11/15/2007 Time: 10:40Inmate Present: Yes Reason(If No): N/A

Violation: , 1.18/200.218 Possession of Dangerous Contraband, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order

Inmate PLEA: GuiltyInmate Statement: N/ADecision : Guilty

Rational : Per report and plea inmate found guilty of all charges.

Sanctions: N/A**HEARING OFFICER'S SIGNATURE**Savage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I [] DO [X] DO NOT INTEND TO APPEAL

INMATE's SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

- | | |
|------------------------------------|---|
| [X] Inmate does not wish to appeal | [] Appeal has been denied by Commissioner or Designate |
| [] Sanctions have been modified | [] Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	12/10/2007	5	12/14/2007

DR#
5810

SCI Sussex Correctional Institution
PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

DISCIPLINARY HEARING DECISION

Inmate : Morris, Anthony E SBI#:00300363 Type:Class 1

Institution:SCI Sussex Correctional Institution Hearing Date:01/10/2006 Time:18:29

Inmate Present:Yes Reason(If No):N/A

Violation: , 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Not Guilty

Inmate Statement: I was supposed to be off.

Witness Name: Crockett, Richard

Testimony : per incident report

Decision :Guilty

Rational :incident report

Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Hollis, James W

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I [] DO DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Written Reprimand	01/10/2006		

DR#	8262
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SCI Sussex Correctional Institution

PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

Date 12/19/2007**DISCIPLINARY HEARING DECISION**

Inmate : Jones, Samuel J	SBI#:00465297	Type:Class 1
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Institution:SCI Sussex Correctional Institution	Hearing Date: 08/10/2007	Time: 14:00
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Inmate Present: Yes	Reason(If No):N/A
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Violation: , 1.26 Substance Abuse

Inmate PLEA: Guilty

Inmate Statement: I'm Guilty

Decision :Guilty

Rational :Based on reports, Hearing and plea
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Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Johnson, Joseph H

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

DO DO NOT INTEND TO APPEAL

INMATE's SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Isolated Confinement	08/10/2007	30	09/09/2007

DR#	5640
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SCI Sussex Correctional Institution
PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

DISCIPLINARY HEARING DECISION

Inmate : Jones, Samuel J SBI#:00465297 Type:Class 2

Institution:SCI Sussex Correctional Institution Hearing Date: 11/29/2005 Time: 19:12

Inmate Present: Yes Reason(if No):N/A

Violation: , 2.06/200.108 Failing to Obey an Order, 2.10/200.213 Lying

Inmate PLEA: Not Guilty

Inmate Statement: I do not want to work in the Kitchen. I went where I thought they needed me.

Witness Name: Crockett, Richard

Testimony : N/A

Witness Name: Evans, Bethany

Testimony : per incident report

Decision :Guilty

Rational :incident report

Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Hollis, James W

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I [] DO [X] DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|---|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal
<input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate
<input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |
|---|--|

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Loss of All Privileges	11/30/2005	1	12/01/2005

DR#	3499
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SCI Sussex Correctional Institution

PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

DISCIPLINARY HEARING DECISION

Inmate : Jones, Samuel J

SBI#:00465297 Type:Class 1

Institution:SCI Sussex Correctional Institution

Hearing Date: 07/06/2004 Time:

Inmate Present: Yes Reason(If No):N/A

Violation: , 1.29 Refusal to Participate in Classified Treatment Programs

Inmate PLEA: Guilty

Inmate Statement: I had a death in my family my father and my grandmother, and I couldn't handle it. I do want to finish school.

Decision :Guilty

Rational :Based on the teachers report and the interview. mr. Jones is found guilty and given probation.

Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Hennessy, Melvin C

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I [] DO [X] DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|---|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal
<input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate
<input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |
|---|--|

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Other			

DR#	2886
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SCI Sussex Correctional Institution

PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

Date 12/19/2007**DISCIPLINARY HEARING DECISION**

Inmate : Jones, Samuel J	SBI#: <u>00465297</u>	Type: <u>Class 2</u>
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Institution: <u>SCI Sussex Correctional Institution</u>	Hearing Date: <u>02/15/2004</u>	Time: <u>18:10</u>
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Inmate Present: <u>Yes</u>	Reason(if No): <u>N/A</u>
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Violation: , 2.06/200.108 Failing to Obey an Order, 2.11/200.102 Off Limits

Inmate PLEA: <u>Guilty</u>

Inmate Statement: inmate says he was asleep and did`nt hear call for count.

Decision <u>Guilty</u>

Rational :officer report

Sanctions: <u>N/A</u>

HEARING OFFICER'S SIGNATUREWest, Darrick E

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

DO DO NOT INTEND TO APPEAL

INMATE's SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Written Reprimand			